

April 14, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L98P0032**

WOODSIDE PLACE
Preliminary Plat Application

Location: 17510 – 88th Avenue NE
Bothell, Washington

Applicant: Mark Lundberg – Woodside Associates
19025 – 92nd Avenue West
Edmonds, Washington 98032

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted:	August 18, 1998
Complete application:	September 15, 1998

EXAMINER PROCEEDINGS:

Hearing Opened:	April 6, 1999
Hearing Closed:	April 6, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Recreational facilities

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. GENERAL INFORMATION:

Owner/Applicant: Mark Lundberg – Woodside Associates
19025 – 92nd Avenue West
Edmonds, Washington 98032

Engineer: Barghausen Consulting Engineers, Inc.
18215 – 72nd Avenue South
Kent, WA 98032

STR: NW 7-26-5

Location: 17510 – 88th Avenue NE (east side of 88th Avenue NE)
Zoning: R-6
Acreage: 3.08
Number of Lots: 18
Density: 5.8 units per acre
Lot Size: Ranges from 4,800 to 9,800
Proposed Use: Detached Single Family Residence
Sewage Disposal: Northshore Utility District
Water Supply: Northshore Utility District
Fire District: #16
School District: Northshore School District
Complete Application Date: August 18, 1998

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the April 6, 1999, public hearing are found to be correct and are incorporated herein by reference. The LUSD Staff recommends approval of the application, subject to conditions.
3. Woodside Associates has filed a preliminary plat application to subdivide 3.08 acres into 18 lots for single family residential development. The property is located north of SR 522 and the Sammamish River within an unincorporated portion of Bothell. The Applicant proposes to share required recreational facilities with the adjacent preliminary plat for Jessica Meadows.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval recommended herein, including dedications and easements, will provide improvements which promote legitimate public purposes; are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The Preliminary Plat of Woodside Place as revised and received on December 18, 1998 is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication, which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also

be satisfied during engineering and final review.

- A. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
- B. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.
- C. The following note shall be shown on the final recorded plat:
- D. " All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
- E. Core Requirement No. 1: Discharge at the Natural Location.

The applicant has received approval for the requested diversion of surface water within the project (See Variance File L98V0056). The conditions for variance approval shall be satisfied during design and review of the project engineering plans. Any off-site drainage easements shall be shown on the final engineering plans.

- F. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using the direct discharge exemption outlined in the 1990 King County Surface Water Design Manual (KCSWDM). A direct discharge line is being provided by the MacKenzie Place Apartment complex (located to the south) to the Sammamish River.

A water quality facility as determined by the approved drainage variance shall be provided for water quality enhancement. The size of the proposed water quality facility may have to increase to accommodate the required water quality volumes. The SWM drainage variance (L98V0056) allows use of the 1998 KCSWDM Basic Water Quality Facility menu. If used, the design methodology of the 1998 KCSWDM shall also be used.

As specified in section 4.5 of the SWM Manual, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

- G. Special Requirement No. 5: Special Water Quality Controls.

The final drainage plans and analysis shall evaluate the threshold requirements in the SWM Manual and determine if a wet pond is required. Page 3 in the King County sensitive area folio identifies a class 3 stream located within one mile of the project; therefore, if the amount

of impervious surface subject to vehicular use exceeds 1 acre, a wet pond will be required.

8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - A. During preliminary review the applicant submitted a road variance application (File No. L98V0055), regarding the widening and overlay of 88th Avenue NE off-site. Although the road variance contained several issues, the fundamental “resurfacing, restoration and rehabilitation” improvement approach to off-site areas of 88th Avenue NE was denied.

Unless otherwise approved by DDES staff, 88th Avenue NE from the plat to NE 180th Street shall be improved to urban half street standards in KCRS Section 2.07B. The applicant shall provide full curb, gutter and sidewalk improvements on 88th Avenue NE. On-site road frontage improvements on 88th Avenue NE are allowed to stop 85 feet short of the southern plat boundary. The existing temporary cul-de-sac at the southern end of 88th Avenue NE shall be removed.
 - B. NE 176th Street shall be improved as an urban subcollector. A temporary cul-de-sac shall be provided at the terminus of NE 176th Street unless the through connection to the east can be coordinated with Jessica Meadows.
 - C. Tract B shall be improved as a private joint use driveway that serves a maximum of two lots. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
 - D. Tract C shall be designed as a private access tract serving proposed lots 9, 10 and 11. These lots shall have undivided ownership of the tract and be responsible for its maintenance. Improvements shall conform to KCRS 2.03 for urban minor access roads that include 22 feet of paving. The minimum tract width shall be 26 feet with a maximum length of 150 feet. Tract D should be eliminated.
 - E. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
 - F. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
9. On-site well - The engineering plans for this project shall identify the location of any wells on the site and provide notes which address the requirements for the contractor to abandon the well pursuant to requirements outlined in the Washington Administrative Code (WAC 173-160).

10. King County Code 16.82.150D imposes seasonal limitations for construction. During the period October 1 through March 31, clearing and grading is not allowed unless otherwise approved by DDES. The applicants engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.
11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. There shall be no direct vehicular access to or from 88th Avenue NE from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.
13. The applicant is proposing to set the areas of 40% and greater slopes in a separate tract (Tract A). This are is to have a 10-foot sensitive area buffer with a 15-foot building setback. The buffer and setbacks are to be shown on the face of the final plat and final engineering plans.
14. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey markings and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
15. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e. Sport Court(s), Children's Play Equipment, Picnic Table(s), Benches, etc.). This may result in the reconfiguration and/or loss of lots.

If the project proponent combines recreation space with the area proposed for the Jessica Meadows plat, then the following shall apply:

- A. An overall conceptual recreation space plan shall be submitted for review and approval by the King County Department of Development and Environmental Services (DDES), with the submittal of the engineering plans. This plan shall include location, area calculations (minimum 8,000 square feet or greater to satisfy the requirement for both preliminary plats), dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan. Enhanced park facilities shall be included to compensate for the remaining park area (up to 5,260 square feet) not provided on site. These park facilities shall include: a sport court, a tot lot with a Big Toy, Grass areas with a picnic bench, a pathway (which connects the sport court and tot lot to the sidewalk system at NE 176th Street), and perimeter landscaping. These facilities shall be included in the conceptual recreation space plan for review by DDES and the King County Parks Department with the submittal of the engineering plans.

If the project proponent does not combine the recreation space with the area proposed for the Jessica Meadows plat, then the following shall apply:

- B. An overall conceptual recreation space plan equaling 390 square feet per lot shall be submitted for review and approval by DDES, with the submittal of engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.

In either case, the following shall apply:

- C. A detailed recreation space plan (i.e., landscape specifications, equipment specifications, etc.) consistent with the overall conceptual plan, as detailed in Items A. or B., shall be submitted for review and approval by DDES and the King County Parks Department prior to or concurrent with the submittal of the final plat documents.
 - D. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
16. A homeowners' association or other workable organization shall be established between the homeowners in the Jessica Meadows and Woodside Place platted subdivisions, to the satisfaction of DDES. This homeowners' association is to provide for the ownership and continued maintenance of the recreation and/or sensitive area tracts (Tract A).
17. Street trees shall be provided as follows:
- A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 88th Avenue NE and NE 176th Street. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - B. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - D. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.

- E. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- F. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- G. The applicant shall contact Metro Service Planning at 684-1622 to determine if 88th Avenue NE is on a bus route. If 88th Avenue NE is a bus route, the street tree plan shall also be reviewed by Metro.
- H. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

- 18. The existing home on lot 14 and existing outbuildings shall be removed prior to final recording.
- 19. The existing garage associated with the house on lot 13 shall be removed or relocated prior to final approval/recording.
- 20. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
- 21. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.

ORDERED this 14th day of April, 1999.

Stafford L. Smith
Deputy Hearing Examiner

L98/L98P0032 RPT

TRANSMITTED this 14th day of April, 1999, to the parties and interested persons shown below:

A. A. and Nancy Anklam
Robert Armstrong
Eva and Charles Asbury
H. R. Brown
Roger Dorstad
Tag French
Mark Lundberg
Norman B. Maas
Rosemary and Jim Mcauliffe
Eleanor Moon
Northshore Utility Dist., Attn: Carol

Jeff Potter
Derek M. Sinclair
Wash. State Ecology Dept./WQSW unit
Mark Bergam
Greg Borba
Steve Bottheim
Laura Casey
Kim Claussen
Kristen Langley
Lance Moreno
Carol Rogers

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before Wednesday, April 28 1999**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before Wednesday, May 5, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of

this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L98P0032
- Exhibit No. 2 Department of Development and Environmental Services Preliminary report, dated March 23, 1999
- Exhibit No. 3 Application dated August 18, 1998
- Exhibit No. 4 Environmental Checklist dated July 22, 1998
- Exhibit No. 5 Declaration of Non-significance dated February 24, 1999
- Exhibit No. 6 Affidavit of Posting indicating February 24, 1999 as date of posting and February 26, 1999 as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat Map dated February 26, 1999
- Exhibit No. 8 Land Use Map 407W
- Exhibit No. 9 Assessor's Maps SW 7-26-5
- Exhibit No.10 Level One Drainage Analysis received August 18, 1998
- Exhibit No.11 Slope Reconnaissance and Setback Study received March 23, 1999
- Exhibit No.12 SWM Variance (L98V0056) dated October 27, 1998
- Exhibit No.13 Requested Road variance (denied) (L98V0055) dated July 21, 1998
- Exhibit No.14 Letter from Norman Maas, P.S. received February 25, 1999
- Exhibit No.15 Proposed Combined Recreation Area Plan received March 31, 1999
- Exhibit No.16 Additional Conditions of Approval